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MINISTRY OF COMMERCE AND INDUSTRY

ORDER

New Delhi, the 29th October 1960

S.O. 2643.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely:—

1. Short title and commencement.—(1) This Order may be called the Woollen Textiles (Production and Distribution Control) Order, 1960.

(2) It shall come into force at once.

2. Definitions.—In this Order, unless the context otherwise requires,—

- (a) “dealer” means a person carrying on the business of selling woollen yarn or woollen cloth or both, whether wholesale or retail and whether or not in conjunction with any other business;
- (b) “manufacturer” means a manufacturer of woollen yarn or woollen cloth or both and includes a manufacturer of any fabric or article made of woollen yarn or woollen cloth and a processor of woollen yarn of woollen cloth;
- (c) “processor” means a person engaged exclusively in any process ancillary to the production of woollen yarn or woollen cloth such as dyeing, bleaching and finishing;
- (d) “Textile Commissioner” means the Textile Commissioner appointed by the Central Government and includes an Additional or a Joint or a Deputy Textile Commissioner and the Industrial Adviser (Textile Production) appointed by the Central Government;
- (e) “woollen cloth” means any fabric made wholly from wool or partly from wool and partly from any other material, such material being less than 40 per cent by weight, and includes any article made from such fabric and any hosiery or hosiery knitted fabric;
- (f) “woollen yarn” means yarn manufactured either wholly from wool or partly from wool and partly from any other material and includes worsted yarn and shoddy yarn.

3. Control of production.—(1) The Textile Commissioner may, where he is satisfied that such action is necessary in order to coordinate production of woollen yarn with the needs of the general public, by order, require the manufacturers of woollen yarn or any class of them to produce such varieties of woollen yarn for such periods and in such quantities or proportion as may be specified in the order:

Provided that, in making an order under this sub-clause, the Textile Commissioner shall have regard to the capacity of the manufacturer to produce different varieties of woollen yarn.

(2) No manufacturer to whom an order made under sub-clause (1) applies, shall produce woollen yarn in contravention of such order.

4. Fixation of prices.—(1) The Textile Commissioner may, by order, fix the maximum prices, ex-factory, wholesale and retail, at which any variety of woollen yarn may be sold.

(2) For the purpose of facilitating the sale of woollen yarn at the prices fixed under sub-clause (1), the Textile Commissioner may specify the manner of packing woollen yarn and the markings to be made thereon.

(3) No manufacturer of or dealer in woollen yarn shall sell or offer for sale woollen yarn at a price in excess of the price fixed under sub-clause (1) or packed or marked in a manner different from that specified under sub-clause (2).

5. Cash memorandum to be given for sales.—The Textile Commissioner may, by notification in the Official Gazette, require the manufacturers of and dealers in woollen yarn to give a cash memorandum in respect of every sale of woollen yarn in such form as may be specified in the notification.

6. Power to require sale etc.—(1) The Textile Commissioner may, with a view to secure proper distribution of woollen yarn, issue directions to any manufacturer of or dealer in woollen yarn—

(a) not to sell any woollen yarn in his possession except under and in accordance with a permit issued by him or by any other officer specified by him in this behalf;

(b) to sell any stock of woollen yarn held by such manufacturer or dealer to any person specified by the Textile Commissioner or by any other officer authorised by him in this behalf.

(2) Every manufacturer and dealer to whom any direction is issued under sub-clause (1) shall comply with such direction.

7. Refusal to sell.—No manufacturer of or dealer in woollen yarn shall, without sufficient cause, refuse to sell woollen yarn to any person.

Explanation.—For the purposes of this clause—

(1) the possibility or expectation of obtaining a higher price at a later date shall not be deemed to be sufficient cause;

(2) the expressions "manufacturer" and "dealer" shall include any person employed by or acting on behalf of such manufacturer or dealer.

8. Accounts and returns.—Every manufacturer of and every dealer in woollen yarn shall keep such books, accounts and records relating to the business carried on by him and shall furnish such return or information and at such intervals as the Textile Commissioner may require.

9. Provisions to apply to woollen cloth.—The provisions of clauses 4 to 8 shall apply in relation to woollen cloth and manufacturers of and dealers in woollen cloth as they apply in relation to woollen yarn and manufacturers of and dealers in woollen yarn.

10. Power of entry, search etc.—(1) The Textile Commissioner or any other officer authorised by him in this behalf may, with a view to securing compliance with this Order or to satisfying himself that this Order has been complied with,—

(a) enter and search any premises in which any manufacturer or dealer is carrying on business and inspect any books or other documents in such premises;

(b) seize any article therein in respect of which he has reason to believe that this Order has been or is being contravened.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

11. Repeal.—The Woollen Yarn (Production and Distribution Control) Order, 1960 is hereby repealed except as respects things done or omitted to be done before such repeal.

[No. 17(32)-Tex(D)/60]

C. S. RAMACHANDRAN, Joint Secy.